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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Letter dated 3 April 1998 from the Permanent Mission of Latvia to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights

The Permanent Mission of Latvia to the United Nations Office at Geneva presents its complements to the secretariat of the fifty-fourth session of the Commission of Human Rights and kindly requests to circulate as an official United Nations document the enclosed recommendations made to Latvia by the High Commissioner of the Organization for Security and Cooperation in Europe, Max Van der Stoel, and the current status of their implementation,* since these issues were repeatedly brought to the attention of the Commission by the delegation of Russia.

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* The attachment is circulated as received in the language of submission only.

GE.98-11732 (E)

Implementation of the Recommendations of the OSCE High Commissioner on National Minorities

- **Establish the Office of the National Commissioner on ethnic and language issues.** *April 7, 1993*

The National Human Rights Office was established in 1995. Under the auspices of the Office of the President of Latvia, the Consultative Council of Nationalities was established in 1996. Both bodies deal with a wide range of issues related to minorities.

- **Non-citizens shall be ensured the right to become the citizens of Latvia (except those, who threaten the vital interests of Latvia). The applicants shall demonstrate their wish to integrate into the Latvian society: they must have command of the Latvian language and basic knowledge about the Latvian Constitution (Satversme), as well as they have to give the oath of loyalty to the Republic of Latvia.** *December 10, 1993.*

The recommendations have been included in the Law on Citizenship.

- **The legal income source as a condition for naturalisation shall not be applied to the unemployed.** *December 10, 1993.*

The unemployment benefit is considered to be a legal source of revenue in Latvia.

- **It is necessary to inform Latvia's non-citizens about the Law on Citizenship and the relevant government decisions on the practical procedure of obtaining Latvian citizenship.** *December 10, 1993.*

The Naturalisation Board provides all the necessary information free of charge, it is widely available through the network of its offices across Latvia. In April 1997 the Naturalisation Board in co-operation with the OSCE mission in Latvia issued a brochure in Latvian and Russian on the naturalisation procedure and requirements, as well as on the basic rights and obligations of a citizen.

- **To substitute the system of quotas with gradual naturalisation process, which could be started with those persons, for whom extraordinary naturalisation is envisaged, further on grouping the applicants according to the number of years one has lived in Latvia. The necessary number of years spent in Latvia should not exceed 5 years.** *December 10, 1993 and June 7, 1994.*

The recommendations have been included in the Law on Citizenship.

- **It is suggested to make amendments in the order of the test in the constitutional system and history. These requirements shall be changed so that knowledge of the basic facts of Latvia's history and the significant elements of the constitutional system is sufficient for passing the tests.** *March 14, 1996.*

In 1996 the Naturalisation Board introduced a multiple-choice answer system to test in history and Satversme (Constitution). The specific brochure "Basic issues of the history of Latvia. Constitutional principles of state." has been issued and is available at branch offices of the Naturalisation Board. The test was simplified with the assistance of Council of Europe experts.

- **It is suggested to reduce the naturalisation duty. Alongside with the reductions, which have been granted to particular categories of applicants, appropriate duty reduction to 50% shall be introduced as soon as possible also for all the persons, who submit the request.** *March 14, 1996.*

The government has reduced the fee for naturalisation applications to 50% for pensioners, handicapped persons, schoolchildren and students. Formerly politically repressed persons, orphans and children left without parental support are released from this duty (equivalent to 50 USD). In accordance with a government decision, the Head of the Naturalisation Board has the right to reduce the state duty for persons with limited means.

- **It is important to promote the integration of non-citizens and avoid a situation, when most of the foreign citizens lack motivation for integration.** *March 14, 1996.*

Taking into consideration the fact that for many non-citizens the main obstacle for naturalisation is their poor command of Latvian language, the Latvian Government together with UNDP has prepared and started to implement since 1995 a multi-stage project - program for the Latvian language studies for teachers and pupils in non-Latvian language schools, as well as adults.

According to sociological polls, non-citizens do not experience particular problems in their everyday life due to their status and it seems to be one of the main reasons why even those who are currently eligible do not show a great

interest for citizenship. The same survey shows also that the obligation of a citizen, such as compulsory military service, is a discouraging factor. A specific non-citizen privilege is visa free travel with the CIS countries, which they would lose becoming citizens.

- **It is necessary to start discussions, in order to futher the naturalisation process.** *October 28, 1996*

The Naturalisation Board together with the Latvian National Human Rights Office and international organisations has carried out a large-scale research project concerning the formation of civil society in Latvia. The results of the first two stages of this research have recently been published. The nest steps will be a series of conferences and seminars throughout Latvia on the issues of integration and naturalisation, in light of the research results.

The State President has been actively engaged in dialogue with the political forces on the means of furthering the naturalisation process.

- **It is advised to simplify the tests in history and Constitution of Latvia.** *May 16, 1997.*

Further simplification is not considered necessary, since more than 90% of applicants pass the test.

- **It is advised to reduce the naturalisation duty for citizenship candidates with low income.** *May 16, 1997.*

The government has reduced the fee for naturalisation to 50% for pensioners, handicapped persons, schoolchildren and students. Formerly politically repressed persons, orphans and children left without parental support are released from this fee. In accordance with the Government's decision, the Head of the Naturalisation Board has the right to reduce the fee (equivalent to USD 50) for persons with low income.

<u>Recommendations not (fully) implemented into the Latvian legislation</u>

- **Disabled persons should be released from the Latvian language tests** *December, 1993*

The 1994 Law on Citizenship stipulates that seriously disabled persons (category 1) are released from Latvian language tests.

Further amendments in Chapter 3 of the same Law regulating the procedure of the Latvian language tests were made in 1995, exempting persons with irreversible 2nd and 3rd level invalidity from the Latvian language tests.

- **Persons over 65 years should be released from the Latvian language test** *December, 1993*

The Naturalisation Board has made known its opinion in favour of such amendments to article 21, Chapter 3 of the Latvian Law on Citizenship. There is an ongoing discussion on the matter in the legislative entities. Retired Soviet army officers and members of their families constitute an important part of this group of permanent residents. The question is not easy to resolve politically.

- **The evaluation of oral and written parts of the Latvian language test should be summarised. Unsatisfactory evaluation of one of the parts of the test should not be the reason for unsatisfactory evaluation in general, if the applicant has rendered the other part of the test .** *December, 1993*

This recommendation is has not yet been initiated by any legislative institution, it is currently being publically discussed .

- **The abolishment of the so called window system in the process of application for Latvian citizenship.** *December, 1993*

The State President, as well as the Department of Citizenship and Immigration, and the Ministry of Interior has initiated a wide public debate over this recommendation. Public and political debate continues.

- **The acquisition of the Latvian citizenship by birth for all children, born in Latvia**

The issue is currently under political discussion following a proposal by the State President and wide coverage in the mass media. Latvian legislation provides equal economic, social and cultural rights for all children, residing in Latvia. Voting rights can be exercised by citizens, having attained the age of 18.

Under the present Law, children born in Latvia after 1990 of non-citizen parents have the priority to acquire Latvian citizenship through the naturalisation process when they reach 16 years of age or if their parents become naturalised (article 14, para 1, Chapter 2 of the Law on Citizenship).

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